

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

GALILEE HOTEL ASSOCIATES, LLC : BK No. 04-11456
a/k/a The Lighthouse Inn : Chapter 7
Debtor : (Jointly Administered)

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In re: :

M & Z HOTEL ASSOCIATES, LLC : BK No. 04-11460
Debtor : Chapter 7

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ORDER DENYING REQUEST FOR FINDINGS AND CONCLUSIONS

Heard on the Debtor's emergency motion for an order requiring the state court receiver to turn over \$250,000 being held in escrow. Two shareholders of the Debtor, Dorothy Terhune and Kevin Malloy (hereinafter "Shareholders"), object. After hearing, the Debtor's motion was granted and it was ordered that the funds be placed with the Debtor in a segregated account. This Court specifically made no ruling as to title or ownership of the funds, but stated that the order was without prejudice to the rights of any party. The Order was entered on June 23, 2004, and Terhune and Malloy requested findings of fact and conclusions of law pursuant to Fed. Bankr. R. 7052 and 9014. No evidence was offered at the June 23 hearing and the only issue decided was as to interim custody of the funds, subject to a later determination of ownership.

Because the June 23, 2004, order is clearly interlocutory and because no judgment will enter from which an appeal could be taken, written findings and conclusions are neither appropriate nor required at this time. See *In re Mayhew*, 223 B.R. 849, 857 (D.R.I. 1998). Accordingly, the request for written findings and conclusions is DENIED and the Receiver is ordered to turn over the funds to the Chapter 7 Trustee¹ to hold in a segregated account, until the ownership interests are determined. The parties shall file the pleadings necessary to bring this issue before the Court forthwith, and a hearing on the merits will be held on December 22, 2004, at 10:00 a.m.

Dated at Providence, Rhode Island, this 4th day of November, 2004.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 11/4/04

¹ While this matter was under advisement, Lisa Geremia, Esq., was appointed Chapter 11 Trustee, and subsequently when the case converted to Chapter 7 Ms. Geremia was appointed Chapter 7 Trustee.